

1 HONORABLE RICARDO S. MARTINEZ  
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6 UNITED STATES DISTRICT COURT  
7 FOR THE WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 BERNADETTE HIGHTOWER, *on behalf*  
10 *of herself and all others similarly situated,*

11 Plaintiff,

12 v.

13 RECEIVABLES PERFORMANCE  
14 MANAGEMENT, LLC,

15 Defendant.

16 Case No. 2:22-cv-01683-RSM

17 ORDER GRANTING PLAINTIFFS'  
18 AMENDED MOTION TO  
19 CONSOLIDATE RELATED CASES

20 LAUREN SHEMEYLA, *on behalf of herself*  
21 *and all others similarly situated,*

22 Case No. 2:22-cv-01686-RSM

23 Plaintiff,

24 v.

25 RECEIVABLES PERFORMANCE  
26 MANAGEMENT, LLC,

27 Defendant.

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1           ALICIA DAMON, *on behalf of herself and  
2           all others similarly situated,*

Case No. 2:22-cv-01691-RSM

3           Plaintiff,

4           v.  
5           RECEIVABLES PERFORMANCE  
6           MANAGEMENT, LLC,

7           Defendant.

8  
9           HELEN GOINS, *on behalf of herself and all  
10          others similarly situated,*

Case No. 2:22-cv-01692-RSM

11          Plaintiff,

12          v.  
13          RECEIVABLES PERFORMANCE  
14          MANAGEMENT, LLC,

15          Defendant

16  
17          LATERSHIA JONES, *on behalf of herself  
and all others similarly situated,*

Case No. 2:22-cv-01715-RSM

18          Plaintiff,

19          v.  
20          RECEIVABLES PERFORMANCE  
21          MANAGEMENT, LLC,

22          Defendant.

1 DAVID TRISTAN, *on behalf of himself and*  
 2 *all others similarly situated,*

3 Plaintiff,

4 v.  
 5 RECEIVABLES PERFORMANCE  
 6 MANAGEMENT, LLC,

7 Defendant.

8 Case No. 2:22-cv-01719-TSZ

9 WHEREAS, the Plaintiffs in six related cases pending before this Court—*Hightower v.*  
 10 *Receivables Performance Management, LLC*, No. 2:22-cv-01683-RSM (“*Hightower Action*”);  
 11 *Shemeyla v. Receivables Performance Management, LLC*, No. 2:22-cv-01686-RSM (“*Shemeyla*  
 12 *Action*”); *Damon v. Receivables Performance Management, LLC*, No. 2:22-cv-01691-RSM  
 13 (“*Damon Action*”); *Goins v. Receivables Performance Management, LLC*, No. 2:22-cv-01692-  
 14 RSM (“*Goins Action*”); *Jones v. Receivables Performance Management, LLC*, No. 2:22-cv-  
 15 01715-RSM (“*Jones Action*”); and *Tristan v. Receivables Performance Management, LLC*, Case  
 16 No. 2:22-cv-01719-TSZ (“*Tristan Action*”) (collectively, “Related Actions”—agree that these  
 17 actions, as well as any subsequently filed or transferred related actions, should be consolidated for  
 18 all purposes including pretrial proceedings and trial pursuant to Federal Rule of Civil Procedure  
 19 42; and

20 WHEREAS, no counsel for Defendant Receivables Performance Management, LLC has  
 21 made an appearance in the Related Actions and will not be prejudiced by consolidation; and

22 WHEREAS, the Complaints in the Related Actions relate to the same, common factual  
 23 allegations and legal theories. The Related Actions assert multiple common causes of action  
 24

1 against the common Defendant relating to the same factual underpinnings, and seek the same relief  
2 in response to the same event; the Related Actions commonly seek certification of an overlapping  
3 nationwide class and allege that class members suffered harm as a result of the Data Breach  
4 because their PII (including Social Security numbers) was exposed to third parties without their  
5 authorization; and

6 NOW THEREFORE,

7       1. The *Hightower, Shemeyla, Damon, Goins, Jones, and Tristan* matters currently  
8 pending in this Court, and any other action arising out of the same or similar operative facts now  
9 pending or hereafter filed in, removed to, or transferred to this Court, shall be consolidated for pre-  
10 trial purposes pursuant to Federal Rule of Civil Procedure 42 (the “Consolidated Action”).

11       2. All papers filed in the Consolidated Action shall be filed under the *Hightower*  
12 *Action*, 2:22-cv-01683-RSM, the case number assigned to the first-filed case.

13       3. Any action subsequently filed in, transferred to, or removed to this Court that  
14 arises out of the same or similar operative facts as the Consolidated Action, shall be consolidated  
15 with the Consolidated Action for pre-trial purposes. The Parties shall file a Notice of Related  
16 Action whenever a case that should be consolidated into this action is filed in, transferred to, or  
17 removed to this District.

18       4. If the Court determines that the case is related, the clerk shall:

- 21           a. Place a copy of this Order in the separate file for such action;
- 22           b. Serve on Plaintiffs’ counsel in the new case a copy of this Order;
- 23           c. Direct that this Order be served upon Defendant(s) in the new case; and
- 24           d. Make appropriate entry in the Consolidated Action.

25       5. Within 14 days of the entry of this Order, or January 5, 2023, whichever is later,

any counsel seeking appointment as lead counsel in the Consolidated Action will file a motion for appointment under Rule 23(g). No response or reply papers will be permitted on the motions.

6. Plaintiffs shall file a Consolidated Amended Complaint no later than thirty (30) days following the Court's order on the forthcoming leadership applications.

7. Any response to the Consolidated Amended Complaint shall be due within thirty (30) days from the filing of the Consolidated Amended Complaint. All prior response deadlines are vacated.

8. This Order shall apply to the above-captioned matters, any subsequently consolidated action, any actions consolidated with the above-captioned matters, and any actions filed in or transferred or removed to this Court relating to the fact and the data breach underlying this litigation.

IT IS SO ORDERED.

DATED this 6<sup>th</sup> day of January, 2023.



RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE